

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	§	
	§	
John Christopher Crandall	§	Confirmation No: 2405
	§	
Serial No. 09/834,338	§	Group Art Unit: 2143
	§	
Filed: April 13, 2001	§	Examiner: G. C. Neurauter
	§	
For: LANGUAGE AND CULTURE INTERFACE	§	
PROTOCOL	§	

REPLY BRIEF

For the Appellant:

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Docket No.: 10004847-1
(PATENT)

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In re Patent Application of:
John Christopher Crandall

Confirmation No.: 2405

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APPELLANT'S REPLY BRIEF (37 C.F.R. 41.41)

Attention: Board of Patent Appeals and Interferences
Commissioner for Patents
Washington, DC 20231

Dear Sir:

This reply brief, filed pursuant to 37. C.F.R. § 41.41, is in response to the Examiner's Response, mailed in this case on November 2, 2005. Should the Primary Examiner not find the comments contained herein persuasive, acknowledgement of receipt and entry of this Reply Brief is requested.

The fees required under § 1.17(c) and any required petition for extension of time for filing this brief and fees therefor, if any, are dealt with in the accompanying TRANSMITTAL OF REPLY BRIEF.

This brief contains these items under the following headings:

I. Reply to Examiner's Answer

A. Reply to Examiner's Response Regarding Claims 1-4

II. Conclusion

The final page of this brief bears the attorney's signature.

I. REPLY TO EXAMINER'S ANSWER

The Examiner has selected to respond only to Appellant's arguments with regard to claims 1-4. Based on a review of the Examiner's Answer, Appellant stands by and reasserts the arguments in support of the Ground advanced in the Appellant's Brief. However, comments are submitted herewith in reply to the Examiner's responsive arguments.

A. Reply to Examiner's Response Regarding Claims 1-4

In his Answer, the Examiner selected only to respond to Appellant's arguments with regard to claims 1-4. In particular, the Examiner asserts that claims 1-4 are fully anticipated by the teachings of U.S. Patent No. 5,835,768 to Miller, et al., (hereinafter (*Miller*)).

Claim 1 requires, "an algorithm for determining ones of said cultural attributes to communicate to said client application" The "cultural attributes" of claim 1 are defined by a user profile stored in memory of the claimed computer system. Explicitly, claim 1 states, "a user profile stored in a memory of said computer system for defining cultural attributes" The Examiner attempts to apply *Miller* to meet each of the limitations of claim 1. However, Appellant respectfully asserts that the Examiner's application of *Miller* is incorrect.

Miller describes a complex set of attributes and processes that make up its patented system. It is understandable that the Examiner has mistakenly applied its teachings. However, when carefully considered, Appellant asserts that *Miller* does not teach or suggest the elements asserted by the Examiner.

As noted by the Examiner, *Miller* defines a user's localized information, which arguably could correspond to the cultural attributes of claim 1. Col. 5, lns 29-31; *see also* Examiner's Answer, p. 3. This localized information is collectively referred to in *Miller* as a "locale," which includes six independent locale categories that define such features as character mapping, monetary formatting, and the like. Col. 5, lns 25-26; *see also* Examiner's Answer, p. 3. Thus, the concept of the "locale" could arguably correspond to the user profile of claim 1, since the user profile defines the cultural attributes. However, this is where *Miller* ceases any teaching or suggestion of the limitations of claim 1.

The Examiner incorrectly asserts that *Miller* discloses a method for determining which cultural attributes to communicate to the client program. Examiner's Answer, p. 4. In the first part of his argument, the Examiner states that the "set locale" function of *Miller* corresponds to the algorithm for determining required by claim 1. Examiner's Answer, p. 4. The "set locale" function of *Miller* is the operation that the application calls when a "locale" is changed. Col. 5, ln 62 – Col. 6, ln 51. As noted above, since the "locale" includes the cultural attributes that represent the user's localized information or preference (Col. 5, lns 29-31), each "locale" includes an entire set of cultural attributes as "selected" or defined by the user (Col. 5, lns 25-26). The file referred to by the Examiner as the "locale" from Column 5, lines 45-47 is actually a source code file that contains the source code necessary to implement the entire locale "***available for selection*** by the user," which includes the six locale categories making up the locale. Col. 5, lns 43-45. (emphasis added.) These source code files are then compiled into object code files representing each selectable locale and stored in a permanent locale database. Col. 5, lns 56-61.

The "set locale" function makes a specific call to retrieve a specific one of those object code files from the locale database for implementing the six locale categories of the selected locale. Col. 5, ln 62 – Col. 6, ln 9. *Miller* does not teach or suggest that an algorithm is used to determine which of the locale categories (i.e, cultural attributes) that make up the locale is to be communicated to the application. *Miller* does not even teach or suggest that an algorithm is used to determine which locale is to be communicated to the application. *Miller* teaches that "the name of the user's specified locale" is passed to the "set locale" function. Col. 5, lns 66-67. Thus, *Miller* teaches that the application attributes can only be changed if the exact name of the user's specified locale is selected for installation.

In the second part of his argument, the Examiner quotes from *Miller* stating, "The value of the relevant locale category is then determined." Examiner's Answer, p. 4; *see also* Col. 6, ln 55. However, this "determination" from *Miller* has nothing to do with determining which of the cultural attributes to communicate to the client application for configuring that application. This selected quotation from *Miller* describes the operation of the application ***after*** the specific locale has been set by the "set locale" function. Col. 6, lns 52-60. When the application initiates a program call that requires presentation or processing of data provided by the user, the application must determine the value that the locale has set for the locale category in order to format that data according to the specifics of the locale category.

Col. 6, lns 52-60. The cultural attributes are already set into the application; the application only needs to determine the values of those cultural attributes to format the data accordingly.

Appellant, therefore, re-asserts that *Miller* does not teach or even suggest that an algorithm is used to determine ones of the cultural attributes to communicate to the application in order to configure the application according to the determined cultural attributes. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(b) rejection of record with respect to claim 1 be overruled.

In response to the Examiner's statements regarding dependent claims 2-4, Appellant asserts that dependent claims 2-4 depend either directly or indirectly from claim 1, and thus inherit all the limitations of that independent claim. Consequently, *Miller* also fails to teach every element of dependent claims 2-4. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(b) rejection of record be overruled.

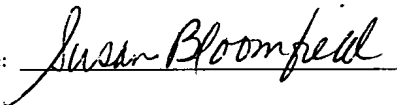
II. CONCLUSION

Based on the foregoing remarks and arguments, Appellant respectfully submits that claims 1-20 are patentable under 35 U.S.C. § 102(b). Reversal of the rejections is courteously requested.

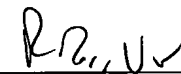
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568265910US, in an envelope addressed to: Board of Patent Appeals and Interferences, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: January 3, 2006

Typed Name: Susan Bloomfield

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Respectfully submitted,

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PATENT APPLICATION

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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 11-02-2005

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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Date of Deposit: January 3, 2006

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